

Remarks:

This amendment is submitted in an earnest effort to advance this case to issue without delay.

Claims 78 and 84 have been amended to recite that the electrodes are located in the large neuron population which is to be desynchronized. This feature is disclosed in paragraphs 0048 and 0077 of the Publication US 2006/0212089.

Two new dependent claims 89 and 90 have been added that depend from amended claims 78 and 84 and that recite how the electrodes are arranged in a substantially symmetrical arrangement. This feature can be found in paragraphs 0083 and 0084 of the specification.

Two independent claims 91 and 92 have been added that include the subject matter of original claims 78 and 84, respectively, and that further recite how two of the electrodes simultaneously output identical bursts of pulses but with opposite polarities. An example of this is seen in Figs. 4a and 4b (and also Figs. 9c and 4d) of the application. This kind of burst is also described in paragraph 0043.

Two further new independent 93 and 94 have been added that include the subject matter of original claims 78 and 84, respectively, and further recite that only a subset of the electrodes are selected for stimulation, the selected electrodes

being varied and the electrodes used for stimulation being selected by using a stochastic and/or deterministic algorithm. This new feature is disclosed in paragraph 0064.

The fees for the extra claims are paid herewith through the Electronic Filing System.

With regard to the main rejection on US 6,459,936 of Fischell, the Examiner states on page 4 of the Office Action that "it is unclear why the applicant has chosen to ignore the very next sentence in Fischell of "alternatively, experience may indicate that certain signals being out of phase when they arrive at the neurological event focus may be particulary efficacious in aborting a neurological event." It is to be noted that the term "alternatively" in Fischell refers to the phase of the signals and not to the delay of the signals. Thus, according to the alternative embodiment of Fischell, the signals arrive out of phase at the neurological event focus, but still at the same time. In contrast, the stimulation signals of claims 78 and 84 do not arrive at the stimulation sites concurrently.

According to the amended independent claims 78 and 84, the electrodes are located in the large neuron population to be desynchronized. By contrast, Fischell places different electrodes at different distances from the epileptic focus (cf. column 3, lines 21-22). The epileptic focus is a comparatively small section of the brain where epileptic seizures originate (cf. column 15,

lines 55-57). Therefore Fischell does not place multiple electrodes within the epileptic focus.

Hence a rejection cannot be made on Fischell under §102 or §103.

US 7,174,213 of Pless uses multiple electrodes placed in the vicinity of the epileptogenic focus (cf, column 18, lines 52-54). Moreover, Pless uses multiple electrodes for treating epilepsy having more than one focus (cf. column 18, lines 64-66). Pless further states that "electrodes may be placed on or near the various epileptogenic foci" (cf. column 18, lines 68-67). However, Pless does not disclose that two or more electrodes are placed on the same epileptogenic focus.

The features of the new independent claims are also not disclosed by Fischell or Pless. No §103 rejection on these references is possible.

If only minor problems that could be corrected by means of a telephone conference stand in the way of allowance of this

case, the examiner is invited to call the undersigned to make the necessary corrections.

K.F. Ross P.C.

*/Andrew Wilford/*

by: Andrew Wilford, 26,597  
Attorney for Applicant

18 July 2009  
5683 Riverdale Avenue Box 900  
Bronx, NY 10471-0900  
Cust. No.: 535  
Tel: 718 884-6600  
Fax: 718 601-1099  
Email: [email@kfrpc.com](mailto:email@kfrpc.com)

Enclosure:

None.